

DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

INDIANAPOLIS

OFFICE MEMORANDUM

DATE: September 11, 2000

TO: File

FROM: Steve Mojonier
Rules, Planning and Outreach Section, Office of Land Quality

SUBJECT: Heritage Environmental Services, LLC; Delisting of Treated Electric Arc Furnace Dust; Cost to Regulated Entities; LSA Document #00-255

Under IC 4-22-2-28, IDEM has estimated that the cost to regulated entities of the proposed rule at 329 IAC 3.1-6-6 for delisting electric arc furnace dust treated by Heritage Environmental Services will probably be less than five hundred thousand dollars (\$500,000). The economic impact analysis for this rule will not be submitted to the Legislative Services Agency. The analysis of the economic impact on regulated entities prepared for this rule is attached.

Attachments

cc: Mr. Timothy Method
Ms. Mary Beth Tuohy
Mr. Bruce Palin
Mr. Michael Dalton

Analysis of Economic Impact

Heritage Environmental Services, LLC, Delisting of Treated Electric Arc Furnace Dust at Nucor Steel Corporation, Crawfordsville, Indiana
LSA Document #00-255

Digest of Proposed Rule

Adds 329 IAC 3.1-6-6 to exclude from regulation under 329 IAC 3.1 electric arc furnace dust that is generated by Heritage Environmental Services, LLC and Nucor Steel Corporation, Crawfordsville, Indiana, and treated to be nonhazardous.

Effective date of proposed rule

Effective 30 days after filing with the secretary of state. The effective date is estimated to be May 2001.

Requirements of the proposed rule

This rule excludes from regulation under 329 IAC 3.1 electric arc furnace dust (EAFD), hazardous waste code K061, that is generated by Heritage Environmental Services, LLC (Heritage) and Nucor Steel, Division of Nucor, Corporation (Nucor) at Nucor's Crawfordsville, Indiana plant, and treated to be nonhazardous in accordance with the process described in the petition for delisting submitted by Heritage on May 13, 2000.

Regulated entities affected by the proposed rule

Heritage Environmental Services, LLC and Nucor Steel Corporation.

Narrative discussion of fiscal impact

This rule would exclude from regulation (delist) a hazardous waste generated at Nucor and treated to be nonhazardous by Heritage. Heritage must meet a number of conditions including complying with the proprietary treatment process described in its petition for delisting, monthly testing, groundwater monitoring, and other requirements. All conditions in this rule are less restrictive than compliance with the full hazardous waste management program in 329 IAC 3.1. No documented fiscal information was provided regarding this action.

The savings anticipated for this rule are the difference between the charge to Nucor of disposing of this delisted waste in Heritage's own nonmunicipal waste landfill and the charge for disposing of the waste in its permitted hazardous waste treatment, storage and disposal facility. In addition to that savings, there would presumably be a difference in the profit to Heritage based on the difference in disposal costs. No information has been provided on the disposal costs for this waste at either disposal facility.

Heritage and Nucor would enjoy additional compliance cost savings from this rule because this rule would significantly reduce the regulatory requirements for this waste. No information is available on the current compliance costs experienced by Heritage and Nucor or potential future cost reductions resulting from this rule. This rule would not impose any additional costs on any regulated entities.

No information has been provided that indicates that the estimated costs to regulated entities would exceed the threshold for preparation of a fiscal analysis in accordance with IC 4-22-2-28.